



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

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F.#2013R00948

*610 Federal Plaza  
Central Islip, New York 11722*

February 29, 2016

By ECF

The Honorable Joseph F. Bianco  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

Re:    United States v. Philip Kenner and Tommy Constantine  
Criminal Docket No. 13-607 (S-2) (JFB)

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Dear Judge Bianco:

The parties respectfully submit this letter to request a modification of the briefing and oral argument schedule in connection with the defendant's post-trial motions. Due to unexpected case developments on the part of government counsel, the government requests a final brief extension of the due date for the government's post-trial motion response. In addition, due to scheduling issues related to out-of-state travel for counsel for Constantine, the parties request a modified date for oral argument. Accordingly, the parties respectfully request the following modified schedule: March 4, 2016 as the due date for the government's response; March 25, 2016 as the due date for the defendants' reply; and April 8, 2016 as the date for any oral argument on the motion. This schedule would still permit resolution of the motion well before sentencing, which is currently scheduled for May 18-19,

2016. The parties appreciate the Court's consideration of this and prior requests. Defense counsel consent in this request.

Respectfully submitted,

ROBERT L. CAPERS  
United States Attorney

By: /s/  
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Assistant U.S. Attorney  
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cc: All counsel of record (by ECF)